

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RICHARD J. McCLINTON,)
Plaintiff,)
v.)
CAPSTONE LOGISTICS, LLC,)
Defendant.)
Case No.: 2:20-cv-00543-AMM

PLAINTIFF'S PETITION FOR ATTORNEY'S FEES

COMES NOW, Plaintiff's attorneys Blake and Nicole Edwards, and request that this Court award attorney's fees and non-taxable litigation expenses and costs to the prevailing party, Plaintiff Richard J. McClinton, as allowed and as follows:

1. The jury trial in the above-referenced matter was held May 30-June 2, 2023. On June 2, 2023, the jury found that the Defendant, Capstone Logistics, LLC, discriminated against Plaintiff, Richard J. McClinton, because of his disability, in violation of the Americans with Disabilities Act (“ADA”) and the Family Medical Leave Act (“FMLA”). The jury award \$272,000.00 in

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compensatory damages, \$200,000.00 in damages for emotional pain and mental anguish, and \$544,000.00 in punitive damages for McClinton's ADA Disparate Treatment Claim. (Doc. 162). The jury awarded \$272,000.00 for compensatory damages, \$200,000.00 in damages for emotional pain and mental anguish, and \$544,000.00 in punitive damages for McClinton's Reasonable Accommodation Claim under the ADA. (Doc. 162). The jury awarded \$272,000.00 in compensatory damages, \$200,000.00 in damages for emotional pain and mental anguish, and \$544,000.00 in punitive damages for McClinton's Retaliation Claim under the ADA. (Doc. 162). Also, the jury awarded \$200,000.00 in damages for McClinton's FMLA interference claim. (Doc. 162).

2. This Court issued a Final Order (Doc. 163) on June 2, 2023, following the jury's finding and entered judgment in favor of the Plaintiff and against Defendant, Capstone Logistics, LLC, in the amount, \$3,248,000.00 as outlined above.

3. Based on this Court's ruling and the jury verdict, the Plaintiff's counsel is entitled to attorney's fees and costs as the prevailing party in this matter. (U.S.C. § 2000e-5(k) and 42 U.S.C. § 1988).

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4. In support of the Petition, Plaintiff has attached Affidavits, time entries, expenses, and other supporting documentation.

5. However, as the dates of this filing, there is an outstanding post trial-motion filed by the Defendant and the Plaintiff anticipates filing an opposition thereto.

6. As such, fees and expenses are currently estimated to be at least \$262,289.97, and they will continue to accrue beyond the date set by Federal Rule of Civil Procedure 54.

7. The Plaintiff's counsel files this Petition to ensure that his Petition is filed timely and will supplement his petition as he files any post-trial motions or oppositions in response to Capstone's anticipated post-trial filings.

WHEREFORE, Plaintiff, Richard J. McClinton, respectfully requests that the Court enter an Order granting attorney's fees and expenses with leave to file the supporting documentation once all post-trial motions are disposed.

Respectfully submitted,

/s/ Nicole D. Edwards

/s/ Blake C. Edwards

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2023, I officially filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David I. Klass, Esq.
R. Bryan Holbrook, Esq.
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I hereby certify that I have mailed via United States Postal Service the foregoing document to the following non-CM/ECF participants: None.

/s/ Blake C. Edwards
OF COUNSEL

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